



GOVERNMENT OF PUERTO RICO

ENVIRONMENTAL QUALITY BOARD

October 4, 2018

Mr. Dennis McChesney
UST/LUST Regional Program Manager
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866

**RE: Narrative Performance Measures Report
EOY 2018 LUST Preventive Action Program**

Dear Mr. Mc Chesney:

Enclosed is the End-of-Year Narrative Performance Measures Reports for the LUST Preventive Action Program. This report includes a summary of the Puerto Rico Environmental Quality Board (PREQB) programmatic objectives completed during Fiscal Year 2018, as well as the measures conducted by PREQB to ensure compliance with the Energy Policy Act requirements.

Cordially,

Wilmarie Rivera Otero

Chief

Underground Storage Tanks Division

cc: Claudia Gutierrez, Division of Enforcement and Compliance Assistance
Underground Storage Tanks Team
U. S. Environmental Protection Agency
EPA Region II



PUERTO RICO ENVIRONMENTAL QUALITY BOARD
LUST PREVENTIVE ACTION PROGRAM

End-of-Year Summary of Activities Performed from October 1, 2017 to September 30, 2018

In Fiscal Year (FY) 2018, the Puerto Rico Environmental Quality Board (PREQB) completed the following Programmatic Objectives under the LUST Preventive Action Program:

A. Reporting

The End-of-Year Performance Measures Report was submitted through LUST 4.

▪ **UST-1**

PREQB had 10,315 UST Systems with Underground Storage Tank systems regulated under Subtitle I (active and closed).

▪ **UST-2**

PREQB reported 5,842 permanently Closed Petroleum UST Systems. Four (4) No Lust Closure Plans and seven (7) Lust Closure Plans were evaluated and approved.

▪ **UST-3, UST-4, UST-5 and UST-6**

- Cumulative number of active and closed Hazardous Substances UST Systems is 149.
- 48.2 % of the facilities are in compliance with UST release prevention requirements.
- 79.3 % are in compliance with UST release detection requirements.
- 48.2 % of the facilities are in compliance with UST release detection and release prevention requirements.

B. Enforcement Policy and Procedure

▪ PREQB issued:

- 133 Notices of Violation (NOV) to UST facilities.
- Four (4) Administrative Orders against defendants.
- 50 Consent Orders.

- Referred 74 cases to PREQB'S Legal Division.

C. Compliance Policy

▪ PREQB issued:

- Nine (9) Installation Permits.
- 284 Operation Permits were evaluated and 91 were approved.

- 333 Compliance/Enforcement (On-Site) Inspections were performed.
- PREQB issued the following Provisional Operator Training Certificates:
 - 113 Class A and B Certificates
 - 97 Class A Certificates
 - 153 Class B Certificates
 - 538 Class C Certificates
- PREQB staff sent 434 letters to the regulated community due to irregularities, deficiencies, and discrepancies requiring additional information.

D. Geographic Initiative

During FY 2018, no additional information was incorporated into the PREQB's GIS database. The Underground Storage Tank Control Division personnel are coordinating with Information System Division personnel to continue updating the GIS data base.

E. Public Participation Program

- The Public Record of UST Facilities in Puerto Rico was updated through September 30, 2017 and published on the PREQB web page on February 2, 2018.

F. Statistic Record-Keeping

- UST database was continuously updated during FY 2018.
- During FY 2018, the Active and Inactive LUST List was updated and published on the PREQB web page on July 2018.

G. Energy Policy Act (EPAAct) Compliance

- On February 15, 2018, a public hearing was conducted for the proposed new PREQB Regulation for the Control of Underground Storage Tanks in accordance with the new EPA Federal Underground Storage Tank requirements.

- On June 14, 2018, the Governing Board of PREQB promulgated the new Regulation for the Control of Underground Storages Tanks (RCUST), effective date July 27, 2018.

Also the PREQB Governing Board on July 26, 2018, adopted the Guide of Penalties for Violations to the RCUST and the Permanent Closure Guide for UST Systems.

- 333 UST facilities were inspected.
- At the end of September 2017, Hurricane María impacted Puerto Rico and the inspections that were conducted after the hurricane until December 31, 2017, are not included in this report. These inspections were only to evaluate the status and condition of the facilities and not for compliances purposes.
- UST-8
PREQB included Part XV as part of the new UST Regulation, which gives the Board the authority to prohibit the delivery, deposit or acceptance of a product to an underground storage tank with both equipment and operational violations. Also, the Rule establishes the criteria for determining which underground storage tanks are ineligible for delivery, deposit, or acceptance of product.

H. Travel and Training

- On September 2018, PREQB employees (Wanda García, Janneth Ospina and Wilmarie Rivera) attended to the 26th National Tanks Conference and Exposition in Louisville, Kentucky.